

Local Educational Agency Transition Requirements for Late Referrals to Birth to 3 Programs

Late Referrals from Birth to 3 Programs to Local Educational Agencies

The Individuals with Disabilities Education Act (IDEA) requires a referral be sent by the Birth to 3 Program to the Local Educational Agency (LEA) not less than 90 days prior to the child’s 3rd birthday. The scenarios listed below outline the circumstances when the LEA may receive the referral less than 90 days prior to the child’s 3rd birthday and guides the LEA regarding how to proceed with the comprehensive special education evaluation within an expected timeframe.

For Indicator 12 purposes, the IEP is considered to be implemented if the projected IEP implementation date (documented on the Determination of Notice of Placement) is on or before the child’s 3rd birthday {34 CFR §300.124(b)}. Additional guidance provided in the [IDEA Transition Policy](#): pp 16-18, [Information Update Bulletin 22.01](#), and the [Indicator 12 Reporting Reasons Selection Guidance](#) document.

IF	THEN	GUIDANCE
The child was determined eligible for B-3 Program services LESS THAN 90 days before the child’s 3rd birthday (child is between 2.9y and 2.11y) This is considered a late referral to Part C	<p>The LEA proceeds with the comprehensive special education evaluation process and timeline even if the timeline expires after the child’s 3rd birthday.</p> <ol style="list-style-type: none"> 1. The LEA notifies the family that additional testing is necessary or that no additional testing is necessary. 2. Within 60 days of receiving parental consent for additional testing, the LEA must conduct the initial evaluation and hold the evaluation meeting. 3. Within 30 days of the determination of eligibility for special education services, the LEA must conduct a meeting with the IEP team to develop the child’s IEP. 	<p>The LEA is granted a timeline extension.</p> <p>LEAs must make every effort to complete the evaluation process, determine eligibility, and if eligible, develop and implement the IEP by the child’s 3rd birthday or as soon after the 3rd birthday as possible.</p> <p>LEAs should ensure documentation is in place regarding communication attempts with the child’s parent(s).</p> <p>LEAs will be asked to document the reason(s) why the IEP was not implemented on or before the child’s 3rd birthday in the Indicator 12 Application available in WISEDash. Indicator 12 Reporting Reasons Selection Guide</p>
The parent reversed the Opt-Out decision AFTER the child turned 2y 9mo		
The parents returned the consent for additional testing less than 30 days before the child’s 3rd birthday		
The parent refused or failed to produce the child for evaluation after repeated attempts (parent did grant permission to conduct additional testing)		
The child moved into the district after the initial referral was made, creating a new timeline		